

Estonia

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PART 1 – NATIONAL FRAMEWORK

Overview

National social dialogue	Principal Level of Collective Bargaining		Company
	Workplace Representation		Union (or authorised workplace representatives)
	Board-level Representation		No
National worker representation	<p>Employee representation at the workplace is primarily through unions, or does not take place at all. However, legislation, which came into effect in 2007, allows for the election of employee representatives both where there is a union and where there is not. If there is no union these representatives can be involved in collective bargaining.</p> <p>13.3% of all enterprises have an elected employee representative. This person works for the enterprise or institution concerned and is elected either by the employees in workplace elections, or by trade union members of the enterprise or institution. In 6% of all enterprises there is a recognised trade union. The difference between an employee representative and a representative chosen by trade union members is that the duties and rights of the first are governend by the Employees' Representative Act, while an elected trade union member is governed by the Trade Unions Act.</p> <p>Enterprises with more than 30 employees are obliged by the Employees' Representative Act to inform and consult with employees.</p>		
Principal legal documents on H&S	The Occupational Health and Safety Act adopted by the Estonian Parliament – the Riigikogu – based on which several relevant Regulations of the Government of the Republic and the Minister of Social Affairs have been developed and enacted (the Act came into force on 26 July 1999).		
Public authorities on H&S	The Ministry of Social Affairs constitutes the executive authority which regulates the entire area, whereas two of its structural units (the Working Life Development Department and the Health Care Department) are directly involved in occupational health and safety-related policy-making. State supervision regarding compliance with occupational health and safety requirements is handled by the Labour Inspectorate which, in terms of its structure and geographical scope of operation, is divided into Northern, Southern, Western and Eastern Inspectorates.		
Employers' obligations on H&S	An employer shall ensure compliance with the occupational health and safety requirements in every aspect related to the work. For example, an employer shall design and furnish workplaces such that it is possible to prevent occupational accidents and damage to health, and to maintain the workers' capacity for work and their well-being. Employers shall consult workers, the working environment representative or the employees' trustee in advance in issues relating to the working environment. The employer is responsible for appointing and training the H&S representatives. The employer needs to appoint a working environment specialist (OSH) if there are more than 50 workers in the enterprise.		
Worker representative bodies on H&S	In undertakings with at least 10 employees, workers are entitled to elect a working environment representative in occupational health and safety issues, whose term of authority is up to four years. In an enterprise with less than ten workers, the employer is required to consult with the workers in matters of occupational health and safety. An occupational health and safety committee must be created at the initiative of the employer in undertakings with more than 50 employees.		
Organisation of the social dialogue on H&S issues within the country	Actors involved	Their role	Scope of influence
	Confederation of Trade unions	negotiate	Sectoral and country level
	Sectoral Associations of Trade unions	negotiate	Sectoral level
	Employers organisation (on sectoral level)	negotiate	Sectoral and country level
	Ministry of social affairs	Implementation of law (e.g. directive)	national
	Occupational health council	This Centre is officially still existing, but has not had any	national

		meeting since 2003. The absence of room for discussion is the reason (Ministry ignores the necessity to hold dialogue). Following the discontinuance of the Occupational Health Centre, the Centre's executive role in the area of occupational health is assumed by the Health Care Board (the Working Environment Department) since 2004.		
	Labour inspection (Tööinspektsioon)	Controlling (separate from ministry, which is issuing laws and not controlling them)	National	
	The Working Environment Council	Operates within the governance of the Ministry of Social Affairs. The Council is a tripartite advisory body comprising 15 members and its main task is to make suggestions and express opinions on the development and implementation of the working environment policy.	National	
Specialized H&S bodies on regional, sectorial or another level	<i>Name</i>	<i>Setup conditions</i>	<i>Composition</i>	<i>Role and functions</i>
	N/R	N/R	N/R	N/R

PART 2 – ENTERPRISE LEVEL: ORGANISATION OF SOCIAL DIALOGUE AND WORKERS' PARTICIPATION ON H&S AT WORK

General organisation and role on H&S issues	Employers and workers are required to co-operate in the creation of a safe working environment. For this purpose, employers shall consult workers, the working environment representative or the employees' trustee in advance in issues relating to the working environment. An employer shall, where possible, take into account the proposals and invite the workers to participate in the implementation of such plans. A working environment representative is a representative elected by workers in occupational health and safety issues. A working environment council is a body for co-operation between an employer and the workers' representatives which resolves occupational health and safety issues in the enterprise. A working environment specialist is an engineer competent in the sphere of working environment or any other specialist in an enterprise who has received training concerning the working environment and whom the employer has authorised to perform occupational health and safety duties.
Interaction of H&S representation with the general representation of workers	It rather depends on the employer whether and how the Works council (obliged if the enterprise has more than 50 employees) functions within the enterprise. In fact, there is only about 10% of Estonian employees members of TU. In some enterprises, employer take special care to discourage and to prevent any activities from TU including membership.
Worker representation bodies on H&S at work	
<i>Implementation of worker representation in H&S on enterprise level</i>	Despite the fact that workers elect representatives regarding work and safety (=works council) and that the council of the enterprise should represent the entire enterprise, it turns often out that they are able to represent just their own department or unit.
<i>Thresholds of implementation</i>	According to law the threshold is set at 10 workers. However, it is common practice that all shifts and departments have separate safety reps (if the number of workers >10). There may be units with less workers at the enterprise, but there is no obligation to elect a safety rep. Labour inspector might disagree if you don't have enough safety reps per employee; but there is no legal rule of threshold.
<i>Role of the trade unions</i>	In enterprises with strong trade unions (exceptional case in Estonia), the TU may demand electing safety reps also in departments or shifts with less than 10 workers.

	Trade union representatives may support occupational health and safety representatives in relation to health and safety at work. However, majority of enterprises in Estonia are SMEs or even micro-enterprises and there are no trade unions.	
Composition, mode of nomination or election of members	By law, safety reps must be elected among volunteers. Often, there are no volunteers (no motivation). Against the law, the employer sometimes nominates a safety reps if workers themselves are not able to elect one. (the chance of labour inspector's visit is quite small). Missing safety reps and other OSH bodies at the enterprises is a common problem according to Labour Inspectorate statistics. In principal, safety representatives are elected for 4 years.	
Area of competencies	All issues relating to the working environment: the planning for measures to improve the working environment, designation of employees responsible for performance of rescue work, provision of first aid and evacuation of workers, the planning and organization of the occupational health and safety training and the choice and applicaiton of new technology and work equipment.	
Functions	Consult	
Rights of workers' representatives on H&S		
Right of withdrawal, of production stop in case of immediate danger	Yes	
	By law, the working environment representative has the right to temporarily stop work in a dangerous stage of work or prohibit the use of dangerous work equipment if there is a direct risk of harm to the life or health of workers or if it is not possible to eliminate the risk in any other manner. He or she shall promptly notify the employer or the employer's representative of the risk. Work shall not be resumed until the risk is eliminated. Nevertheless, in reality, it is the employer who says when to start and stop working.	
Right to conduct surveys	Yes	
	But it is not often the case. Nevertheless, by law the H&S representative has access to all workplaces in the enterprise necessary for the performance of his or her functions.	
Right to require external assessments	No	
	The employer has to consent	
Right to lodge an appeal	Yes	
	Yes in theory, but it is not a very often case, especially in periods of crisis. Going to court is too expensive for most workers; and since most of them are not a TU member they don't have the necessary support. Hence, the Labour Inspectorate is often used as an alternative solution.	
Right to receive training	Yes	
	training cost will be paid by the employer and the worker must be freed from other duties during the training	
	Amount of training	There is 24-hours (usely on 3 days - non consecutive) training program determined by a regulation of Minister of Social Affairs.
	Frequency of training	Usually the frequency of trainings is once in four years (duration of the mandate). If the employer wishes, the frequency can be higher or additional special courses can be taken. However, this is not regulated by legislation.
	Training providers	Training is provided by training institutions that must be approved by National Health Board. The content of training is more or less agreed upon by Ministry (some trainers just read the law; others go further; some have developed e-training). There is also a project of lthe Labour inspectorate (funded by ESF) to provide training in H&S (focus on employers or employers' representatives).
Allocated time during working hours to conduct their role	Yes	
	Generally it depends on collective agreements. According to the law, Safety reps	

	have right to 2 hours a week (paid for). Safety reps might get one or 2 holiday days (not by law, but is practice within some enterprises).
<i>Protection against sanctions, dismissals in the frame of their mandate</i>	Yes
	Safety reps can't be fired without agreement from Labour Inspectorate
Link and the nature of the relations between the employee representatives and the trade unions	In few cases, trade union representative and safety representative are the same person. However, most of employers try to avoid it. Naturally, persons who care of their health and working conditions, also care of other aspects of life, and at least think about Trade Unions (many TU exists, but mainly 1 confederation is active: "confederation of Estonian trade unions").

PART 3 – ASSESSMENT OF THE SOCIAL DIALOGUE AND WORKERS' PARTICIPATION IN THE COUNTRY

Evolution

Significant changes within the various instruments on H&S issues during the last 5 years	Training program developed by labour inspectorate (as from 2009).	
	<i>Objectives of these changes</i>	Provide free training for OSH specialists (employers or employers' representative). However, the training is not available for employee representatives because there is no fixed training program on safety issues. Remark: before 2009, training was being done jointly (safety reps + employers' representative) in order to motivate the employer and to show that it is of interest for enterprises.
	<i>Management of these changes</i>	Government (labour inspectorate)
	<i>Effects on the improvement or deterioration of the handling of these issues</i>	Figures are going down, but we don't know if it's linked. The number of registered accidents is increasing, which could be a sign that they register it more. At the same time the number of registered deathly accidents is decreasing. Occupational diseases are also decreasing; but this could be linked to economic depression and the fact that workers do not declare their sickness in order not to lose their job. Occupational health services are private based and the employer has to pay for them without support of government (e.g. health services, risk analysis, physicians, ...).
Assessment of the achievements on H&S issues through social dialogue	Stable	
	<i>Some important milestones</i>	–Training program of labour inspectorate. –Health board (responsible for quality of medical services; independent body established by state; financed by Ministry of social affairs) are also working on H&S at work (eg. Registering OSH services, like psychology, risk assessment, ...). They also try to do statistical work (also done by labour inspectorate).

Perspectives to achieve a good social dialogue and workers' participation on H&S issues

Missing factors	Missing safety reps and other OSH bodies at the enterprises is a common problem according to Labour Inspectorate statistics. It all starts with raising awareness. OSH training must start from basic school and be continued in every stage of the education.
Existing key success factors	–The OSH Act (based upon framework directive) and several regulations linked to it;

–Relatively active labour inspectorate.

PART 4 – APPENDICES

Glossary

TTOS (Töötervishoiu- ja tööohutuse seadus)	<i>Occupational Health and Safety Act. The most important law on OSH based upon the EU Framework Directive.</i>
IKV (Isikukaitsevahend / individuaalne kaitsevahend)	<i>personal protective equipment.</i>
TKS (töökeskkonnaspetsialist)	<i>Specialist on Occupational Safety and Health (employer)</i>

Interesting links

N/A

Sources

Trade union contacts	Confederation of Estonian TU	Soon Argo
Other	<ul style="list-style-type: none"> – http://www.worker-participation.eu –questionnaire –Occupational Health and Safety Act, 1999 	